

REMARKS

The specification has been amended to resolve objections raised by the Examiner and also to respond to a request by the Examiner to correct any errors which Applicant has noticed. Claim 10 has been added based on the disclosure of the Examples in the application.

Entry of the above amendments is respectfully requested.

Preliminary Matters

(1) On the Office Action Summary, in paragraph 13, the Examiner has not acknowledged Applicant's claim for foreign priority. Since foreign priority was claimed in the Claim for Priority filed February 5, 2001, Applicant requests that the Examiner acknowledge Applicant's claim for foreign priority in the next communication from the PTO.

(2) In paragraph 15 on the Office Action Summary, the Examiner has not acknowledged Applicant's claim for domestic priority under 35 U.S.C. 120. Since this application is a continuation application, Applicant requests that the Examiner acknowledge Applicant's claim for domestic priority in the next communication from the PTO.

(3) Applicant notes that the Examiner has not attached an initialled copy of the PTO-1449 form filed with the Information Disclosure Statement of October 17, 2000. Accordingly, Applicant requests that the Examiner consider the disclosed information and return an initially copy of the PTO-1449 form with the next communication from the PTO.

Objections to the Abstract and the Disclosure

On page 2 of the Office Action, the Examiner has objected to the abstract and the disclosure.

In response, Applicant has amended the abstract to replace legal phraseology, and Applicant has amended the disclosure to change “vapour” to --vapor--, thereby resolving the objections. Accordingly, withdrawal of the objections is respectfully requested.

Rejection under 35 U.S.C. 112, Second Paragraph

On page 2 of the Office Action, the Examiner has rejected claims 6-9 under 35 U.S.C. 112, second paragraph.

In response to each of the issues raised by the Examiner, Applicant has the following comments.

a. With respect to the phrase “predetermined temperature”, Applicant has simply deleted the recitation “to a predetermined temperature” from claim 6 to resolve this aspect of the rejection.

b. As to the second point raised by the Examiner, Applicant disagrees with the Examiner, but to expedite the prosecution Applicant has amended “the continuous stream of concentrated liquid mixture” recited in claims 8-9 to simply “the stream of the concentrated liquid mixture”. Applicant submits that the amended recitation in claims 8-9 finds clear antecedent basis in the recitation of “a stream of a concentrated liquid mixture” in claim 6. Also, after “wherein” in claims 8 and 9, Applicant has inserted “after said discharging,” to further clarify the sequence of steps. In addition, Applicant has also changed “recycled” to

“fed” in claim 8, and Applicant has also changed “fed in again continuously” to “continuously fed” in claim 9, thereby clarifying the claims even further.

In view of the above, Applicant submits that the present claims satisfy the requirements of 35 U.S.C. 112, second paragraph. Accordingly, withdrawal of this rejection is respectfully requested.

Double Patenting Rejections

On page 3 of the Office Action, claims 6-9 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-4 of U.S. Patent No. 6,146,493. Also, on page 4 of the Office Action, claims 6-9 are rejected under the judicially created doctrine of double patenting over claims 1-4 of U. S. Patent No. 6,146,493 since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

In response to the first double patenting rejection, Applicant submits herewith a terminal disclaimer to obviate this rejection. As to the second double patenting rejection, Applicant disagrees with the Examiner that the '493 patent already provides the right to exclude the subject matter being claimed for the present invention, since the '493 patent is directed to solutions while the present invention includes, e.g., emulsions. In any event, though, the filing of the terminal disclaimer to obviate the first double patenting rejection also obviates the second double patenting rejection. Thus, Applicant submits that the double patenting rejections have been overcome.

Obviousness Rejection

On page 5 of the Office Action, claims 6-9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicants' Disclosure of Admitted Prior Art in view of Bianchi et al (4,894,117).

The Examiner's position appears to be basically that the turbo-concentrator disclosed in the paragraph bridging pages 4-5 of the application as already being on the market at the time the present invention was made would have been obvious to use in a continuous process as suggested by the disclosure at col. 5, lines 5-56 in Bianchi.

In response, Applicant notes that the turbo-concentrator disclosed in the paragraph bridging pages 4-5 was previously used in a different process than that of the present invention. In particular, the apparatus at issue has been named "turbo-concentrator" in this patent application, but it is the same apparatus that was previously used as a granulator or as a mixer. However, such an apparatus has never been used for carrying out the concentration of liquid mixtures either in a continuous process or a batch process.

Therefore, Applicant submits that the Examiner is incorrect in stating that "Applicant admits that the steps of feeding a continuous stream of a liquid mixture into a turbo-concentrator ... is known in the art." While the machine itself was known, it had so far been used for totally different purposes. The present invention is, in fact, specifically aimed at protecting a process for concentrating liquid mixtures, utilizing the apparatus named "turbo-concentrator". The process as claimed in the present application was not known at all, in any of its steps.

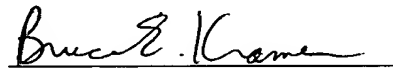
Thus, Applicant submits that the present invention is not obvious over the cited art combination. Accordingly, withdrawal of this rejection is respectfully requested.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,



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